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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/750,195  | 12/31/2003  | Jason Brown          | 8C20.1-260                    | 9172             |
| 39513 7590 01/03/2007<br>GARDNER GROFF SANTOS & GREENWALD, P.C.<br>2018 POWERS FERRY ROAD<br>SUITE 800<br>ATLANTA, GA 30339 |             |                      | EXAMINER<br>BHATTACHARYA, SAM |                  |
|   |             |                      | ART UNIT                      | PAPER NUMBER     |
|   |             |                      | 2617                          |                  |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 01/03/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/750,195

Applicant(s)

BROWN, JASON

Examiner

Sam Bhattacharya

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fascenda (US 2004/0068653).

Regarding claims 1 and 10, Fascenda discloses a multiple subscription subscriber identity module (SIM) card 232 for use with portable devices, the card including a subscription identity module (SIM) coupled to the card, the SIM including a plurality of sets of subscription parameters, wherein a single set of subscription parameters is selected from among the plurality of sets of subscription parameters and wherein the selected set of subscription parameters is activated. See FIG. 2, paragraph 75, lines 1-19 and paragraph 76, lines 1-27.

Regarding claims 2 and 12, Fascenda discloses that at least one set of subscription parameters corresponds to one of a plurality of different operating markets of use for the SIM card. See paragraph 76, lines 1-7.

Regarding claims 3 and 13, Fascenda discloses that the SIM has a default set of subscription parameters from among the plurality of sets of subscription parameters, wherein the default set of subscription parameters is selected unless a set of subscription

parameters different from the default set of subscription parameters is selected. See paragraph 45, lines 1-17.

Regarding claims 4 and 14, Fascenda discloses that the SIM further includes a software interface for selecting which one of the plurality of sets of subscription parameters to activate. See paragraph 43, lines 1-19.

Regarding claims 5 and 16, Fascenda discloses that the software interface is activated upon powering up the SIM card, unless one set of the plurality of subscription parameters has been selected/activated. See paragraph 45, lines 1-17.

Regarding claim 6, Fascenda discloses that the software interface further includes a menu-based software interface. See paragraph 48, lines 1-5 and paragraph 49, lines 1-10.

Regarding claims 7 and 17, Fascenda discloses that during activation of the card, the set of subscription parameters is automatically selected based on the market in which the SIM card is activated. See paragraph 53, lines 1-17.

Regarding claim 8, Fascenda discloses that at least one set of the plurality of sets of subscription parameters includes an Integrated Circuit Card Identifier (ICCID). See paragraph 36, lines 1-7.

Regarding claim 9, Fascenda discloses that at least one set of the plurality of sets of subscription parameters includes an International Mobile Subscriber Identity (IMSI). See paragraph 34, lines 1-11.

Regarding claim 11, Fascenda discloses updating the SIM module with the selected set of subscription parameters. See paragraph 76, lines 1-27.

Art Unit 2617

Regarding claim 15, Fascenda discloses that the selecting step further includes instructing the software interface to select one set of subscription parameters from among the plurality of subscription parameters and instructing the software interface to update the SIM module with the selected set of subscription parameters. See paragraph 76, lines 1-27.

Regarding claim 18, Fascenda discloses that the selecting step further includes the steps of deactivating the selected set of subscription parameters, selecting a different set of subscription parameters, and updating the SIM module with the newly selected set of subscription parameters. See paragraph 53, lines 1-17.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Girard (US 2003/0119482) discloses making secure data exchanges by selecting parameters in a SIM card.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb



GEORGE ENG  
SUPERVISORY PATENT EXAMINER